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10/700,518	11/05/2003	Michihiro Fujiyama	032085	5923

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EXAMINER
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ROBERTS, JESSICA M

ART UNIT	PAPER NUMBER
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2621

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12/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/700,518

Applicant(s)

FUJIYAMA ET AL.

Examiner

Jessica Roberts

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/04/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Acknowledgement of Amendments***

The amendment filed on 10/04/2004 overcomes the following rejection(s)/objection(s):

The objection of claim 6 for minor informalities.

### ***Response to Arguments***

Applicant's argument regarding Matsumoto does not teach a first reproducer for producing one screen of still image signal from said recording medium every time that a time of said timer elapse. The examiner respectfully disagrees. Matsumoto teaches the image feed switch is ON at step S01, first one image is fed in the forward direction, and the displayed image is renewed. Then, as initial values, a "1", a "10" and "50 msec" are respectively set as the number of images that been bee, the key timer count and the image renewal time. Further disclosed is the interval for renewing the images shown on the display that are sequentially reproduced from the memory card is "renewal interval (seconds)". That is, when the number of images recorded on the memory card is not greater than five and the image feed switch is depressed continuously, images are fed at an interval of 500 msec, and from the memory card, one image is reproduced every 500 msec. (column 5 line 37-46). Therefore, since Matsumoto teaches reproducing one image every 500 msec, this clearly shows reproducing one image when the timer elapses.

Applicant's argument regarding Matsumoto does not teach a restarter for restarting said timer every time that said one screen of still image signal is reproduced. The examiner respectfully disagrees. Matsumoto teaches where the image on the

display is automatically and continuously renewed at renewal intervals that match the individual processes (column 6 line 52-55). Matsumoto is renewing the images which would be restarting the images. Since the images are continuously and automatically renewed at renewal intervals that match the individual process, this is a clear indication the timer is restarted after the images are reproduced.

Applicant's argument regarding Okabayashi does not teach if the period changing instruction is for extending the image reproducing period or not. The examiner respectfully disagrees. Okabayashi teaches a volume control for adjusting the speed for reproducing (fig. 2). Since Okabayashi teaches changing the speed of reproduction, this would in turn be changing the period for image reproduction. Further Okabayashi teaches the use of a still picture table (fig. 5B). The picture table represents the reproduction speed for the reproducer, the reproducing period ranges from 5 seconds to 0.03 seconds. Since Okabayashi discloses a range of reproduction speeds, it is clear that the change in speed can either be extended or reduced.

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities:
2. Claim 3 depends on claim 2, which is a canceled claim.
3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al., US-7,177,523 and in view of Okabayashi et al., US-6, 751,399.

4. Regarding **claim 1**, Matsumoto teaches An image processing apparatus which sequentially reproduces a plurality of screens of still image signals recorded in a recording medium, comprising: a timer for measuring an image reproducing period (column 5 line 9-14, and 37-46); a first reproducer for reproducing one screen of still image signal from said recording medium every time that a time of said timer elapses (column 5 line 37-46 and fig. 1:5); a second reproducer for reproducing one screen of still image signal from said recording medium every time that an image renewal instruction is issued (The memory card 7 is a recording medium, and the present invention can be applied not only for the memory card 7, which employs fixed memory as the main storage medium, but also another recording medium, such as an optical or magnetic disk or a magnetic tape (column 3 line 43-47. Further Matsumoto discloses reproducing one image every 500 msec, every 500 msec, every 250 msec, and every

50 msec (column 5 line 37 to column 6 line 51) ; a restarter for restarting said timer every time that said one screen of still image signal is reproduced (column 6 line 52 to column 7 line 8); and an issuer for issuing the image renewal instruction in response to the period changing instruction (system controller, column 3 line 57-60 and column 4 line 57-58). Matsumoto is silent in regards to a changer for changing the image reproducing period in response to a period changing instruction and wherein said issuer stops issuing the image renewal instruction when the period changing instruction is for extending the image reproducing period.

5. However, Okabayashi teaches a changer for changing the image reproducing period in response to a period changing instruction (reproduction speed setting section fig. 3); and an issuer for issuing the image renewal instruction in response to the period changing instruction (system controller, column 3 line 57-60 and column 4 line 57-58) wherein said issuer stops issuing the image renewal instruction when the period changing instruction is for extending the image reproducing period (still picture table).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Matsumoto with the teachings of Okabayashi for providing an improved image recording and reproducing device which permits efficient use of an image storage area, and which can optimally reproduce both dynamic picture image and still picture image information stored together in a mixed manner without requiring complex management (column 1 line 64 to column 2 line 2).

7. Regarding **claim 3**, Matsumoto discloses the issuer issues the renewal instruction (column 3 line 57-60 and column 4 line 37-46). However Matsumoto is silent

in regards to an image processing apparatus according to claim 2, further comprising a dial for inputting the changing instruction, wherein said issuer stops issuing the image renewal instruction when a reproducing direction of said plurality of screens of the still image signals is a first reproducing direction and a rotating direction of said dial is a first rotating direction, or when a reproducing direction of said plurality of screens of the still image signals is a second reproducing direction and the rotating direction of said dial is a second rotating direction.

8. However, Okabayashi teaches An image processing apparatus according to claim 2, further comprising a dial for inputting the changing instruction, wherein said issuer stops issuing the image renewal instruction when a reproducing direction of said plurality of screens of the still image signals is a first reproducing direction and a rotating direction of said dial is a first rotating direction, or when a reproducing direction of said plurality of screens of the still image signals is a second reproducing direction and the rotating direction of said dial is a second rotating direction (Okabayashi teaches a still picture reproduction period setting section that sets a reproduction period for the still picture image information(column 2 line 56-64). Further disclosed is operating section10 includes various switches, volume controls, LEDs (Light Emitting Diodes), and a fader, and section10 is used for selecting and setting various operation conditions of the device, such as start/stop recording and reproduction modes and recording and reproduction speeds of still and dynamic image (column 5 line 10-16 and fig. 2). Also, the recording operation section and speed setting sections correspond to the operational entry functions of the operating section, CPU, etc. Tables stored are stored

in the ROM (column 5 line 54 to column 6 line 3). It is clear to the examiner that since the operating section contains a dial (volume control) for changing the reproducing speed, and the reproduction sections refers to the still picture table to obtain parameters necessary for reproduction, that if the reproduction speed or direction is changed, there would be no renewal instruction, which reads upon the claimed limitation).

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Matsumoto with the teachings of Okabayashi for providing an improved image recording and reproducing device which permits efficient use of an image storage area, and which can optimally reproduce both dynamic picture image and still picture image information stored together in a mixed manner without requiring complex management (column 1 line 64 to column 2 line 2).

10. Regarding **claim 4**, Matsumoto teaches an image processing apparatus according to claim 3, wherein the first reproducing direction is a forward reproducing direction (Matsumoto 4 line 16-20), the second reproducing direction is a reverse reproducing direction (column 4 line 21-26). Matsumoto is silent in regards to the first rotating direction is a counterclockwise direction, and the second rotating direction is a clockwise direction.

11. However, Okabayashi teaches the operating section includes various switches, volume controls, LEDs (Light Emitting Diodes) and a fader, and the section is used for selecting and setting various operational conditions of the device, such as start/stop of recording and reproduction modes and recordings and reproduction speeds of still and dynamic pictures (column 5 line 10-17, fig. 2). It is implied from figure 2:10b that the



volume controls would necessitate rotation in both clockwise and counter clockwise direction.

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Matsumoto with the teachings of Okabayashi for providing an improved image recording and reproducing device which permits efficient use of an image storage area, and which can optimally reproduce both dynamic picture image and still picture image information stored together in a mixed manner without requiring complex management (column 1 line 64 to column 2 line 2).

13. Regarding **claim 5**, Matsumoto teaches an image processing apparatus according to any one of claims 1, 3 and 4, further comprising a recorder for recording said plurality of screens of the still image signals in said recording medium (column 1 line 52-54).

14. Regarding **claim 6**, which recites the corresponding method for the image processing apparatus of claims 1-5. Thus the analysis and rejection made in claims 105 also apply here because the processing apparatus in claims 1-5 would have necessarily performed the method of claim 6.

***Examiner's Note***

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art

reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
16. Takezawa et al., US-5, 477,516 Reproducing apparatus for accessing tack segments in he forward and reverse directions
17. Iwabuchi et al., US-6, 195,498 Image reproducing device apparatus capable of changing reproducing speed

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Roberts whose telephone number is (571) 270-1821. The examiner can normally be reached on 7:30-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Marsha D Banks-Harold*

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